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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re S.R., a Person Coming Under the
Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Respondent,

v.

S.R.,

Appellant.

B218238

(Los Angeles County
Super. Ct. No. CK76609)

APPEAL from order of the Superior Court of Los Angeles County. Valerie Skeba, Juvenile Court Referee. Affirmed.

Christopher Blake, under appointment by the Court of Appeal, for Appellant.

Office of the Los Angeles County Counsel, James M. Owens, Assistant County Counsel, and O. Raquel Ramirez, Deputy County Counsel, for Respondent.

This is the second appeal in this matter in three months. In the first appeal, S.R. (Father) challenged a juvenile court order at a May 2009 dispositional hearing requiring that his visitation with S.R. (Daughter) be monitored. We affirmed because Father failed to show any error, insufficiency of the evidence, or abuse of discretion. Father now appeals from another visitation order, this one made at an August 2009 progress hearing, which required that his visitation with Daughter continue to be monitored. We again affirm.

BACKGROUND

Father has a history of domestic violence toward V.P., with whom he had a romantic relationship. They had two children together, L.P. (female, born in 1993) and J.P. (male, born in 1998). The violence occurred in the presence of L.P. Father also has an extensive criminal history that includes numerous arrests and a half dozen misdemeanor and felony convictions. Though Father's romantic relationship with V.P. ended in 1999, she permitted him to stay in her home in 2001 when he got out of jail. In 2001, about two weeks into his stay, Father sexually abused L.P., who was then eight or nine years old, by placing his penis in her vagina.

By 2009 Father was married to T.R. (Mother), with whom he had a daughter, S.R., born in 2008 (Daughter). Father and Mother engaged in acts of mutual domestic violence on several occasions. They came to the attention of the Department of Children and Family Services (DCFS) when Father hit Mother while he was holding Daughter.

The juvenile court declared Daughter a dependent of the court pursuant to Welfare and Institutions Code section 300, subdivisions (b) (failure to protect), (d) (sexual abuse), and (j) (abuse of sibling), based on her parents' "history of violent altercations" and Father's sexual abuse of L.P. The court stated, "I think [the domestic violence] poses great risk to [Daughter] and to her mother if father does not get treatment and if mother does not get treatment because, again, there's no reason for me to believe that it is going to stop. Father seems to resort to violence when he gets angry. So I think it is a very,

very dangerous situation.” Regarding Father’s sexual abuse of L.P., the court stated the abuse of her sibling is “very clearly something that would put [Daughter], maybe not at a year old but certainly at some point in the future, at risk if it’s not addressed. And just because it hasn’t occurred since, that we know of, does not mean it’s not going to occur again.”

The court removed Daughter from Father and ordered her placed with Mother. Mother was ordered to attend parenting classes and domestic violence support group or individual counseling. Father was ordered to attend parenting classes, domestic violence counseling, and individual counseling to address sexual abuse issues.

The court ordered that Father’s visits with Daughter be monitored.

The visits, which occur two or three times a week, have gone well. Father has not missed any visits, he plays with, talks to and feeds Daughter during the visits, and she appears happy and comfortable with him and becomes upset when he leaves.

As of August 2009, Father had complied with some, but not all, of the reunification plan. He began a ten-week parenting course and ten-week anger management program, but attended only eight of the parenting education sessions and five of the anger management sessions. He did not enroll in an individual counseling program.

Father appeals from the August 13, 2009 progress hearing findings and order that visitation continue to be monitored.

DISCUSSION

Father contends the monitored visitation restriction is unsupported by substantial evidence and constitutes an abuse of discretion.

“Visitation is an essential component of any reunification plan. [Citation.] To promote reunification, visitation must be as frequent as possible. [Citation.]” (*In re Alvin R.* (2003) 108 Cal.App.4th 962, 972.) “But a parent’s liberty interest in the care, custody, and companionship of children cannot be maintained at the expense of their

well-being. [Citation.] While visitation is a key element of reunification, the court must focus on the best interests of the children ‘and on the elimination of conditions which led to the juvenile court’s finding that the child has suffered, or is at risk of suffering, harm specified in section 300.’ [Citation.]” (*In re Julie M.* (1999) 69 Cal.App.4th 41, 50.)

We review a juvenile court’s visitation order under the abuse of discretion standard. (*In re Emmanuel R.* (2001) 94 Cal.App.4th 452, 465.) The question is whether the court’s determination that the visitation provided is in the best interest of the child exceeded the bounds of reason. (*Ibid.*)

At the May 2009 dispositional hearing the juvenile court concluded that Father’s history of violence and his sexual abuse of L.P. created “a very, very dangerous situation,” and “poses great risk to [Daughter] . . . if father does not get treatment.” In the ensuing three months Father did not get treatment. Though he had numerous successful visits with Daughter, he failed to complete any counseling or education program. The juvenile court could reasonably conclude from these circumstances that the risk to Daughter persists. Its visitation order was therefore supported by substantial evidence and was well within the court’s discretion.

DISPOSITION

The visitation order of August 13, 2009 is affirmed.

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CHANNEY, J.

We concur:

ROTHSCHILD, Acting P. J.

JOHNSON, J.